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TAGS: [PTER](#) [PREL](#) [PGOV](#) [PHUM](#) [KU](#) [TERRORISM](#)

SUBJECT: TWO GUANTANAMO RETURNEES ACQUITTED

REF: A. 05 KUWAIT 4681

[1](#)B. 05 KUWAIT 4429

Classified By: Ambassador Richard LeBaron for reasons 1.4(b) and (d).

[1](#)1. (U) The Kuwait Criminal Court on March 3 acquitted two former Guantanamo detainees of terror related charges. Abdullah Kamel Al-Kandari and Omar Rajab Amin, who were transferred from Guantanamo to Kuwait in September, 2006, were found not guilty of intent to commit hostile actions against the forces of a friendly country and membership in an illegal organization. The Prosecution said that it would appeal the decision to the Court of Appeals. It is expected that the defendants will be released from custody by March 6.

[1](#)2. (U) The Kuwait Criminal Court had signalled in earlier hearings that the case being presented by the government did not meet evidentiary standards (Ref A). Press accounts described the prosecution case as based on accusations that the defendants had "joined the ranks of the former Taliban regime" and become members of Osama Bin-Laden's terror network. The press accounts also described evidence that the defendants had "ties with charities which were linked with terror groups" and that "their names had been found on a computer hard drive seized from a suspected Al-Qaeda member.

[1](#)3. (S) An Embassy press contact who has followed the case closely and was present at the evidentiary hearings said the prosecution case consisted entirely of information drawn from United States Government-supplied summary reports and that there was little factual basis offered for the criminal charges. He said no evidence was presented to support the accusations of membership in Al-Qaeda or the Taliban nor were the names of the charities with alleged terror links presented in court. The name of the suspected Al-Qaeda member, whose hard drive was alleged to have contained the defendant's names, was also not presented to the court. The observer also said that no evidence was offered to prove the defendants fought against U.S. forces in Afghanistan. The defendants' legal defense centered on assertions that they were in Afghanistan to do charity work and not to fight and that no reliable evidence to the contrary was offered.

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LeBaron